

N C H B

NEWSLETTER

NCHB MEETING: WEDNESDAY MARCH 5TH - Marina Café, AT 11:30

General Plan Update

**Planning Commission Recommended changes to the
2011 Planning Commission
Draft General Plan**

Final action votes unless noted with an asterisk *

Special Treatment Area Standards: Those criteria and requirements found in Title 14, Chapter 4 of the California Code of Regulations.

BR-P3. Sensitive Habitat. Discretionary projects that have the potential to impact sensitive habitat shall be conditioned to avoid significant habitat modification or destruction consistent with Department of Fish and Wildlife guidelines or recovery strategies

BR-S3. Critical Habitat Defined. Critical habitats are habitats necessary for the protection of threatened or endangered species listed under the **Federal Endangered Species Act**. Designation, mapping and enforcement of **critical habitat is the responsibility of federal agencies**.

BR-S4. Sensitive Habitat Defined. Sensitive habitats are defined as a biologically unique, limited, or an especially valuable habitat type for a species whose habitat requirements, if significantly changed, would cause a threatening change to the species population across its range and may include the following:

- A. Critical Habitat necessary for the protection of rare, threatened and endangered species as listed under the FESA or CESA
- B. Migratory deer winter range
- C. Roosevelt elk range
- D. Sensitive avian species rookery and nest sites (e.g. osprey, great blue heron and egret)
- E. streams and streamside management areas
- F. Natural ponds, springs, vernal pools, marshes, and wet meadows exhibiting standing water all year long or riparian vegetation.
- G. Protected vascular plant communities as listed by the US Fish & Wildlife Service or the California Department of Fish and Wildlife.
- H. Other sensitive habitats and communities as may be currently, correctly and accurately listed in the California Department of Fish and Wildlife California Natural Diversity Data Base, as amended periodically.

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***BR-S5. Streamside Management Areas Defined. *REMAINS A STAW VOTE** due to a 3-3 tie with 1 abstention 2/27/14. (On 1/30/14 this item was a unanimous straw vote.)

Streamside Management Areas (SMA) are identified and modified as follows:

- A. Areas specifically mapped as SMA and Wetland (WR) Combining Zones, subject to verification and adjustment pursuant to site-specific biological reporting and review procedures.
- B. **For areas along fish-bearing streams** not specifically mapped as SMA and Wetland (WR) Combining Zones, the outer boundaries of the SMA shall be defined as:
 - 1) **100** feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.
 - 3) 50 feet, measured as the horizontal distance from the stream transition line on either side of intermittent streams.
- C. **For areas along non fish-bearing streams** not specifically mapped as SMA and Wetland (WR) Combining Zones the outer boundaries of the SMA shall be defined as:
 - 1) **50** feet, measured as the horizontal distance from the stream transition line on either side of perennial streams.
 - 2) 25 feet, measured as the horizontal distance from the, stream transition line on either side of intermittent streams.
- C. The width of Streamside Management Areas shall be expanded as necessary to include significant areas of riparian vegetation adjacent to the buffer area, slides, and areas with visible evidence of slope instability, not to exceed 200 feet measured as a horizontal distance.
- D. The width of streamside Management Areas may be expanded when supported by written evidence from the requesting referral agency as:
 - 1) if necessary to include significant areas of important riparian vegetation adjacent to the SMA, or
 - 2) if necessary to include active slides and areas with visible evidence of slope instability adjacent to perennial and intermittent streams.
- E. The Streamside Management Area may be reduced or eliminated where the County determines, based on specific factual findings, that the mapping of the SMA is not accurate, or there are no in-channel wetland characteristics or off-channel riparian vegetation.
- F. SMA's and the protections embodied in this section **do not apply to man-made drainage ditches, canals, flumes, or other man-made drainage or irrigation devices, construction, or systems.**

BR-S8. Required Mitigation Measures. Mitigation measures for development within Streamside Management Areas may include those of the following which are appropriate as specifically specified by referral agencies:

- A. Retaining snags unless felling is required by CAL-OSHA, by CAL FIRE forest and fire protection regulations, or for public health and safety reasons. The felling must be approved by the CDS Department. Felled snags shall be left on the ground if consistent with fire protection regulations.
- B. Retain live trees with visible evidence of current or historical use as nesting sites by hawks, owls, eagles, osprey, herons, kites or egrets.
- C. Replanting or reseedling of disturbed areas consisting of at least 100 square feet in area with riparian vegetation of native species shall be required prior to the completion of the development project.
- D. Erosion control measures (as per Standard BR-S9- Erosion Control).
- E. Maximum feasible retention of over-story canopy in riparian corridors.

BR-S9. Erosion Control. Erosion control measures for development within Streamside Management Areas shall include those of the following which are appropriate, as specifically specified by referral agencies:

- A. During construction, land clearing and vegetation removal will be minimized, following the provisions of the Water Resources Element and the standards listed here.

B. Construction sites with at least 100 square feet of exposed soil will be planted or seeded as appropriate per written mitigations of the lead agency with native or naturalized non-invasive vegetation and mulched with natural or chemical stabilizers to aid in erosion control and ensure revegetation.

C. Long slopes will be minimized to increase infiltration and reduce water velocities down cut slopes by such techniques as soil roughing, serrated cuts, selective grading, shaping, benching, and berm construction.

D. Concentrated runoff will be controlled by the construction and continued maintenance of culverts, conduits, non-erodible channels, diversion dikes, interceptor ditches, slope drains, or appropriate mechanisms. Concentrated runoff will be carried to the nearest drainage course. Energy dissipaters may be installed to prevent erosion at the point of discharge, where discharge is to natural ground or channels.

E. Runoff shall be controlled to prevent erosion by on-site or off-site methods. On-site methods include, but are not limited to, the use of infiltration basins, percolation pits, or trenches. On-site methods are not suitable where high groundwater or slope stability problems would inhibit or be aggravated by on-site retention or where retention will provide no benefits for groundwater recharge or erosion control. Off-site methods include detention or dispersal of runoff over non-erodible vegetated surfaces where it would not contribute to downstream erosion or flooding.

F. Disposal of silt, organic, and earthen material from sediment basins and excess material from construction will be disposed of out of the Streamside Management Area to comply with California Department of Fish and Game Wildlife and the North Coast Regional Water Quality Control Board requirements.

Winter operations (generally October 15 thru April 15) shall employ the following special considerations:

G. Slope breaks, as defined in the Forest Practice Rules, as amended, may have different mitigation measures assigned to them based upon the severity of slope and will be temporarily stabilized by stage seeding and/or planting of fast germinating seeds, such as barley or rye grass, and mulched with protective coverings such as natural or chemical stabilizations.

H. Runoff from the site will be temporarily detained or filtered by berms, vegetated filter strips, and/or catch basins to prevent the escape of sediment from the site. Drainage controls are to be maintained as long as necessary to prevent erosion throughout construction.

BR-S10. Development Standards for Wetlands. Development standards for wetlands, including setbacks and buffers, except for wells and spring boxes, shall be consistent with state and federal requirements and developed in consultation with the appropriate referral agency, or by variance, on a project specific basis.

***BR-S11. Wetlands Defined. *REMAINS A STAW VOTE** due info request to staff on 2/27/14 of what is not a wetland. (On 1/30/14 this item was a unanimous straw vote.)

Army Corps of Engineers definition: Those areas that are inundated or saturated by surface or ground waters at frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (1987 "Corps of Engineers Wetlands Delineation Manual", Part II Technical Guidelines, Page 9.) Wetlands are delineated based on the manual and the supplement.

BR-S12. Discretionary Review within Oak Woodlands. Discretionary projects which may result in a significant effect on oak woodlands shall evaluate and mitigate any impacts, consistent with the provisions of CEQA, specifically Public Resources Code Section 21083.4.

***BR-S13. Principally Permitted Accessory Use. *REMAINS A STAW VOTE** due to a 4-2 vote with 1 abstention 2/27/14. (originally straw voted on 2/11/14.) Remains Invasive plant species control measures shall be considered a principally permitted accessory use in all zones.

CO-G1. Conservation of Open Spaces. Open spaces that distinguish and showcase the county's natural environment, including working resource lands while not impacting the ability to provide livelihoods, profitable economic returns, and ecological values.

CO-G3. Conservation and Open Space. This Element's policies to be complimentary to the conservation and open space lands and programs of cities, tribes, and state and federal agencies.

CO-G5. Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, and sustains resource production, while allowing compatible uses.

CO-P4. Community Separation. Maintain separation of urbanized communities through appropriate land use designations and zoning density. Avoid merging urban development boundaries of adjacent communities.

CO-P7. Encourage Private Outdoor Recreation. Encourage private acquisition, development, and management of compatible outdoor recreational services and facilities as a means to generate economic returns for the landowner from conservation and open space lands where such recreational uses do not reduce the agricultural capability or timber productivity of lands planned and zoned for agriculture or timber.

CO-G4. Parks and Recreation. Encourage well maintained and accessible parks and trails offering a range of popular recreation opportunities.

CO-P1. Conservation and Open Space Program. The County shall inventory and appropriately zone conservation, resource and open space lands and work to maintain these lands through review of Williamson Act programs; TPZ zoning designations; conservation easement and recreation programs; and support for continued resource production.

CO-P1x. Transfer of Development Rights. Research and develop, if feasible, a voluntary transfer of development rights program as a method of protecting resource lands and open space based on community input.

CO-P1xx. Open Space Acquisition. The County may consider opportunities to acquire high value open space lands, including community forests, and open space conservation easements from willing sellers at market price.

CO-P2. Support for Working Lands. The County shall support policies that maintain profitable resource production on timber and agricultural lands as a means to secure long-term protection and sustainability of open space lands through programs such as the Williamson Act and Timber Production Zone incentive programs.

CO-P3. Conservation Easements. Support conservation easement programs that protect natural resource and open space assets. Where private and/or non-profit options do not exist, the County may consider accepting voluntary offers of conservation easements that generate economic returns to the landowners and continued resource production, in exchange for permanent protection of natural resource and open space values.



We commend the County Planning Director and staff for working diligently to keep up with the changes in the draft document, with the public comments, and with the resultant changes in the language by the votes of the Commission. GREAT JOB! Thank you to the Planning Commission for working so hard to make a this portion of the plan balanced; we feel everyone can live with the recommended changes. THANK YOU! And most of all, we thank the Humboldt County Board of Supervisors for asking the Planning Commission and staff to fine tune the element. WELL DONE!

We hope the Board of Supervisors supports the Commission completing their original directed task to have the entire Conservation & Open Space element reviewed by the Planning Commission.